

By: Guillen

H.B. No. 4338

A BILL TO BE ENTITLED

AN ACT

relating to the Live Oak Underground Water Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 715, Acts of the 71st Legislature, Regular Session, 1989, is amended by amending Sections 1, 4, 5, 6, 10, 11, and 13 to read as follows:

Sec. 1. CREATION OF DISTRICT. Under Article XVI, Section 59, of the Texas Constitution, the Live Oak Underground Water Conservation District has [~~is created as a governmental agency and body politic and corporate, authorized to exercise~~] the powers essential to the accomplishment of the purposes of that constitutional provision and [~~to exercise~~] the rights, powers, duties, privileges, and functions provided [~~by this Act and~~] by Chapter 36 [~~Chapters 51 and 52~~], Water Code, and by other laws of this state relating to underground water conservation districts.

Sec. 4. PURPOSE OF DISTRICT. The district is created to provide for the conservation, preservation, protection, recharge, and prevention of waste of the underground water reservoirs located under district land consistent with the objectives of Article XVI, Section 59, of the Texas Constitution and Chapter 36 [~~Chapters 51 and 52~~], Water Code.

Sec. 5. POWERS AND DUTIES OF DISTRICT. The district has [~~may exercise~~] the powers, rights, duties, privileges, and functions permitted by Chapter 36 [~~Chapters 51 and 52~~], Water Code

1 ~~[, and may:~~

2 ~~[(1) make and enforce rules to provide for conserving,~~
3 ~~preserving, protecting, recharging, and preventing waste of the~~
4 ~~water from the underground water reservoirs;~~

5 ~~[(2) enforce its rules by injunction, mandatory~~
6 ~~injunction, or other appropriate remedies in a court of competent~~
7 ~~jurisdiction;~~

8 ~~[(3) require permits for the drilling, equipping, and~~
9 ~~completion of wells in the underground water reservoirs in the~~
10 ~~district and issue permits that include terms and provisions with~~
11 ~~reference to the drilling, equipping, and completion of the wells~~
12 ~~that are necessary to prevent waste or to conserve, preserve, and~~
13 ~~protect underground water;~~

14 ~~[(4) provide for the spacing of wells producing from~~
15 ~~the underground water reservoirs in the district and regulate the~~
16 ~~production from those wells to minimize as far as practicable the~~
17 ~~drawdown of the water table or the reduction of the artesian~~
18 ~~pressure; provided, the owner of the land or his heirs, assigns, and~~
19 ~~lessees are not denied a permit to drill a well on their land and the~~
20 ~~right to produce underground water from that well subject to rules~~
21 ~~adopted under this Act;~~

22 ~~[(5) require records to be kept and reports to be made~~
23 ~~of the drilling, equipping, and completion of wells into any~~
24 ~~underground water reservoir in the district and the taking and use~~
25 ~~of underground water from those reservoirs and require accurate~~
26 ~~driller's logs to be kept of those wells and a copy of those logs and~~
27 ~~of any electric logs that may be made of the wells to be filed with~~

1 ~~the district,~~

2 ~~[(6) acquire land for the erection of dams and for the~~
3 ~~purpose of draining lakes, draws, and depressions; construct dams,~~
4 ~~drain lakes, depressions, draws, and creeks; and install pumps and~~
5 ~~other equipment necessary to recharge any underground water~~
6 ~~reservoirs in the district,~~

7 ~~[(7) have made by registered professional engineers~~
8 ~~surveys of the underground water of any underground water reservoir~~
9 ~~in the district and of the facilities for the development,~~
10 ~~production, and use of that underground water and determine the~~
11 ~~quantity of the underground water available for the production and~~
12 ~~use and the improvements, developments, and recharges needed for~~
13 ~~those underground water reservoirs,~~

14 ~~[(8) develop comprehensive plans for the most~~
15 ~~efficient use of the underground water of any underground water~~
16 ~~reservoir in the district and for the control and prevention of~~
17 ~~waste of that underground water, with the plans to specify in the~~
18 ~~amount of detail that may be practicable, the acts, procedure,~~
19 ~~performance, and avoidance that are or may be necessary to carry out~~
20 ~~those plans, including specifications,~~

21 ~~[(9) carry out research projects, develop~~
22 ~~information, and determine limitations, if any, that should be made~~
23 ~~on the withdrawal of underground water from any underground water~~
24 ~~reservoir in the district,~~

25 ~~[(10) collect and preserve information regarding the~~
26 ~~use of the underground water and the practicability of recharge of~~
27 ~~any underground water reservoir in the district,~~

1 ~~[(11) publish plans and information, bring them to the~~
2 ~~notice and attention of the users of the underground water in the~~
3 ~~district, and encourage their adoption and execution;~~

4 ~~[(12) contract for, sell, and distribute water from a~~
5 ~~water import authority or other agency; and~~

6 ~~[(13) contract with other districts with powers~~
7 ~~similar to those of the district to achieve common goals].~~

8 Sec. 6. ADMINISTRATIVE PROCEDURES. Except as provided by
9 this Act, the administrative and procedural provisions of Chapter
10 36 ~~[Chapters 51 and 52]~~, Water Code, apply to the district.

11 Sec. 10. DISSOLUTION OF DISTRICT. Subchapter I, Chapter 36
12 ~~[Subchapter G, Chapter 52]~~, Water Code, applies to dissolution of
13 the district.

14 Sec. 11. ANNEXATION. ~~[Additional territory may be added to~~
15 ~~the district as provided by Chapter 51, Water Code.]~~ The board of
16 directors shall determine to which precinct ~~[the]~~ annexed land will
17 be added for purposes of election of directors.

18 Sec. 13. STATUTORY INTERPRETATION. If there is a conflict
19 between this Act and Chapter 36 ~~[Chapter 51 or 52]~~, Water Code, this
20 Act controls. ~~[If there is a conflict between the application of~~
21 ~~Chapters 51 and 52, Water Code, to the district, Chapter 52~~
22 ~~controls.]~~

23 SECTION 2. Section 9(a), Chapter 715, Acts of the 71st
24 Legislature, Regular Session, 1989, is amended to read as follows:

25 (a) Except as provided by Subsection (b) of this section,
26 the tax and bond provisions of Subchapters F and G, Chapter 36,
27 ~~[Subchapter F, Chapter 49, and Subchapters K, L, M, N, and P,~~

1 ~~Chapter 51,~~] Water Code, apply to the district.

2 SECTION 3. Section 12(e), Chapter 715, Acts of the 71st
3 Legislature, Regular Session, 1989, is amended to read as follows:

4 (e) The district shall hold an election in each
5 even-numbered year to elect the appropriate number of directors
6 ~~[After the election of the directors at the confirmation election~~
7 ~~held under Section 8 of this Act, regular elections for a portion of~~
8 ~~the board of directors shall be held in each even-numbered year.~~
9 ~~The directors elected from commissioner precincts 1 and 3 and the~~
10 ~~director elected at large at the confirmation election shall serve~~
11 ~~as directors until the first regular meeting of the board after the~~
12 ~~second regular election of directors, and the directors elected~~
13 ~~from commissioner precincts 2 and 4 at the confirmation election~~
14 ~~shall serve until the first regular meeting of the board after the~~
15 ~~first regular election of directors].~~

16 SECTION 4. Sections 7 and 8, Chapter 715, Acts of the 71st
17 Legislature, Regular Session, 1989, are repealed.

18 SECTION 5. (a) The legal notice of the intention to
19 introduce this Act, setting forth the general substance of this
20 Act, has been published as provided by law, and the notice and a
21 copy of this Act have been furnished to all persons, agencies,
22 officials, or entities to which they are required to be furnished
23 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
24 Government Code.

25 (b) The governor, one of the required recipients, has
26 submitted the notice and Act to the Texas Commission on
27 Environmental Quality.

1 (c) The Texas Commission on Environmental Quality has filed
2 its recommendations relating to this Act with the governor, the
3 lieutenant governor, and the speaker of the house of
4 representatives within the required time.

5 (d) All requirements of the constitution and laws of this
6 state and the rules and procedures of the legislature with respect
7 to the notice, introduction, and passage of this Act are fulfilled
8 and accomplished.

9 SECTION 6. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2017.